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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lang *et al.*

Examiner: TBA

Serial No. 09/853,827

Art Unit: TBA

Filed: 05/11/2001

For: AUTOMATIC CONFIGURATION FOR PORTABLE DEVICES

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MAR 18 2002

Commissioner for Patents

Washington, D.C. 20231

OFFICE OF PETITIONS

Sir:

**PETITION UNDER 37 C.F.R. 1.47(a) DUE TO INVENTORS
REFUSING TO SIGN PAPERWORK**

For the above-referenced patent application, Alex Lang, David Sharp, and Brian Adkins have refused to sign the necessary paperwork to complete the requirements for filing the above-referenced patent application. The only inventor willing to sign such paperwork is Shimon Shmueli. The requisite fee in the amount of \$130.00 is enclosed. If any other fees are required in association with this petition, the Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

All of the inventors for the above-referenced patent application were officers or employees of KeyNetica, Inc., which is in the process of dissolving. KeyNetica, Inc. was a start-up company with a single investor, M-Systems Flash Disk Pioneers Limited ("M-Systems"), which now owns or will own all right and title to the above-referenced patent application. Prior to and during the dissolving of KeyNetica, Inc., the relationship between Alex Lang, David Sharp, and Brian Adkins with KeyNetica, Inc. and M-Systems was apparently strained. These strained relationships have led to the inventors refusing to join in the above-referenced patent application.

As set forth in the MPEP § 409.03(a), the only available joint inventor has signed a Declaration on his own behalf, and on behalf of the non-signing joint inventors. The attached Declaration signed by the only available joint inventor, Shimon Shmueli, with signature blocks of the non-signing inventors left blank, should be treated as having been signed by the available joint inventor on behalf of the non-signing inventors. Further, a Declaration by our paralegal, Jennifer Rush, is attached and outlines the factual proof that the non-signing inventors have refused to execute the appropriate application papers. The last known addresses of the non-signing joint inventors are as follows:

00000041 09853827 130.00 00
02/04/2002 TL0011 01 FC:122

Alex Lang
3032 Stone Gap Court
Raleigh, NC 27612

David Sharp
12 Cobb Terrace
Chapel Hill, NC 27514

Brian Adkins
2025 Arbor View Drive
Morrisville, NC 27560

Bona fide attempts have been made to present a copy of the application papers to the inventors to obtain the necessary signatures.

This petition is respectfully submitted, and acceptance of the formal paperwork without the signatures of Alex Lang, David Sharp, and Brian Adkins, is requested.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:



Registration No. Reg. No.
P.O. Box 1287
Cary, NC 27512
Telephone: (919) 654-4520

Date: November 13, 2001
Attorney Docket: 4989-009

CERTIFICATE OF MAILING	
I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST-CLASS MAIL, IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON <u>11/13/01</u> (Date of Deposit)	
<u>Jennifer Rush</u> Name of Depositor	
<u>Jennifer Rush</u> Signature	
<u>November 13, 2001</u> Date of Signature	

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